

KATZ -- 09/831,049  
Client/Matter: 060258-0278027

### REMARKS

By this Amendment, claims 1, 2, 11 and 12 are amended to merely clarify the recited subject matter. These amendments were not presented earlier because they are made in response to the Office arguments only now understood as a result of the comments included in the final Office action. Claims 1-20 are pending and claims 4, 5, 14, and 15 have been allowed.

The Office Action rejected claims 1-3, 6-13 and 16-20 under 35 U.S.C. § 102(b) as being anticipated by Kotzin (U.S. Patent No. 5,455,962). Applicant traverses the rejection because Kotzin fails to disclose, teach or suggest:

- a data transmission method comprising "selecting from the transmission directions, from which the signal that exceeded the threshold were received, a transmission direction or directions, in which to continue transmission of the signal to said subscriber terminal," as recited in independent claim 1;
- a data transmission method comprising "when only one signal exceeds the threshold, sending to the base station, which transmitted the signal that exceeded the threshold, a command to use, when transmitting a signal to said subscriber terminal the transmission direction in which the signal that exceeded the threshold was transmitted," as recited in independent claim 2;
- a radio system comprising at least one base station including a "means which selects from the transmission directions of the signal, which exceeded the threshold, a transmission direction or directions in which the base station continues to transmit the signal," as recited in independent claim 11; and
- a radio system wherein when only one signal exceeds the threshold, the subscriber terminal sends to the base station, which transmitted the signal that exceeded the threshold, a command to use, "when transmitting a signal to said subscriber terminal, the transmission direction in which the signal that exceeded the threshold was transmitted," as recited in independent claim 12.

The outstanding Office Action rejected claims 7 asserting that Kotzin taught on of two alternative options, i.e., "selecting from the antennas ..." However, that alternative language has now been stricken. Therefore, the pending claims relate only to the base station(s) using the transmission direction(s) in which the signal that exceeded the threshold was transmitted. Kotzin clearly fails to disclose, teach or suggest this feature; as recognized by the outstanding Office Action. Therefore, independent claims 1, 2, 11 and 12, and their respective dependent claims are patentable over Kotzin. Accordingly, claims 1-20 are allowable.

Therefore, all objections and rejections have been addressed. Therefore, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant

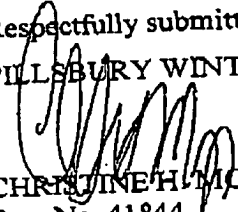
KATZ -- 09/831,049  
Client/Matter: 060258-0278027

requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP LLP

  
CHRISTINE H. MCCARTHY

Reg. No. 41844

Tel. No. (703) 905-2143

Fax No. (703)-905-2500

Date: October 12, 2004  
P.O. Box 10500  
McLean, VA 22102  
(703) 905-2000